

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN JOSÉ RIJO-GARCÍA

Defendant.

CRIMINAL CASE NO. 17-027 (GAG)

SENTENCING MEMORANDUM

TO THE HONORABLE CAMILLE VÉLEZ-RIVÉ
UNITED STATES MAGISTRATE JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW Defendant Juan José Rijo-García (“Juan José”), represented by the Federal Public Defender for the District of Puerto Rico, through the undersigned attorney, and respectfully states and requests as follows:

Juan José, gentle in spirit, humble, and hardworking, left the Dominican Republic with few possessions, but with the great hope of achieving more for himself. Like many other immigrants, Juan José believed that in the United States, through hard work and determination, he could find prosperity. Instead, he found a difficult job market, worse than at home.

Juan José was born in Sabana de la Mar, a small seaside town located in the Northeastern area of the Dominican Republic. Although of extremely humble beginnings, he had a relatively happy childhood, growing up in a large family who dedicated themselves to agriculture and fishing. Juan José is the youngest of five siblings. Juan

José's father died years ago, and it was therefore up to Juan José and his siblings to help their mother make ends meet.

Due to the family's economic conditions, Juan José had to leave school before completing the sixth grade. He has trouble reading and writing to this day. Despite his lack of formal schooling, however, Juan José was always an extremely hard-working young man, always looking for a way to improve his family's situation. Since he was young, Juan José worked as a fisherman to help support his family and provide food. As he grew older, he continued to work to support his mother.

When it was clear that fishing alone would not provide the family the means they needed to get by, Juan José decided to take the terrifying journey across to Puerto Rico. It was the desire to provide for his family that so drove him. Juan José had been searching for better work in the Dominican Republic, but to no avail.

When Juan José arrived in Puerto Rico, he found work doing small jobs in construction. It became evident recently, however, that he could not provide enough for his family, as there was little work available in Puerto Rico. It was also during this time that Juan José grandmother fell very ill. Juan José decided that he needed to return home to his country, the Dominican Republic, to help his grandmother and try to find full-time work there.

It was on this journey home to his country, on Christmas Day, that Juan José was arrested at the Luis Muñoz Marín International Airport. After his prior immigration history was discovered, he was taken into custody, where he has remained. These months in jail have been difficult for Juan José, and he especially worries for his grandmother's well-being. Juan José knows that the family struggles without him, but he realizes that it was his own decision that brought him here. Juan José will not make this mistake again.

Juan José has been forthcoming and cooperative throughout this entire process. He came knowing he did not have permission to enter, and he has accepted responsibility for his conduct since his first interactions with law enforcement. Juan José knows he broke the law, and he made a mistake coming to Puerto Rico without permission. He plans to return to the Dominican Republic and stay there.

Juan José has no prior arrests or criminal convictions, and accordingly is a first-time offender. A first offense under Section 1325(a) contemplates a Class B misdemeanor, for which the statutory maximum is six months incarceration. *See* 8 U.S.C. § 1325(a); 18 U.S.C. § 3559(a)(7). As of sentencing, Juan José will have spent nearly two months in custody, and he will spend further time in custody while awaiting deportation proceedings.

The basic mandate and overriding principle of 18 U.S.C. § 3553(a) requires a district court to impose a sentence “*sufficient, but not greater than necessary*,” to comply with the four purposes of sentencing set forth in subsection (2) of the statute. Juan José is a first time offender, who understands the gravity of his mistakes and is prepared to take responsibility for them. He has served his time at MDC without causing any issues or problems whatsoever. Juan José is a man who has spent his whole life working. He wants nothing more than to return to his family and put his hands to use. Given the nature and circumstances of this misdemeanor, and the personal characteristics and history of Juan José, the undersigned submits that a sentence of time served is sufficient but not greater than necessary to achieve the statutory goals of sentencing.

WHEREFORE, the defendant, Mr. Juan José Rijo-García respectfully requests this Honorable Court sentence him to time served.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 14th day of February, 2017.

Eric A. Vos
Chief Defender
District of Puerto Rico

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